IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1159 OF 2005

Keshav Terrace Cooperative
Housing Society (Proposed). ... Petitioner
Versus.
The New India Assurance Co.Ltd.
and others. ... Respondents.

Shri L.M.Acharya for the Petitioner.

Shri Sharan Jagtiani i/by M/s.Desai & Diwanji for
Respondent No.1.

Shri R.D.Suryawanshi for Respondent No.3.

CORAM : H.L.GOKHALE, &
ABHAY S. OKA, JJ.

DATED : 28th FEBRUARY, 2006.

P.C.:

1. Shri Acharya appearing for the Petitioner-proposed society and Shri Suryawanshi appearing for Respondent No.3 tender consent terms arrived at between the Petitioner and Respondent No.3. The terms are taken on record and marked "X" for identification. The consent terms annexe a memorandum of understanding arrived between two of them. The consent terms further record that the petition is being withdrawn in view of these consent terms. Shri Jagtiani is present for Respondent No.1. He makes a statement and we record it that Respondent No.1 is not a party to this consent terms nor is Respopndent No.1 bound to act in accordance therewith. It will of course be open to Respondent No.1 to take these consent terms and the

memorandum of understanding annexed therewith into consideration in the event sale is finalised in favour of Respondent No.3.

2. Petition is allowed to be withdrawn as recorded above.

(H.L.Gokhale, J.)

(Abhay S.Oka, J.)